

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STONINGTON VINEYARDS, INC. et al.)

Plaintiffs,

V.

CIVIL ACTION No. 1:05cv-10982-JLT

EDDIE J. JENKINS, in his official capacity)
as Chairman of the Massachusetts Alcoholic)
Beverages Control Commission,)

Defendants.

**WINE & SPIRITS WHOLESALERS OF MASSACHUSETTS, INC.'S
MOTION FOR LEAVE TO OPPOSE
PLAINTIFF'S MOTION FOR JUDGMENT ON THE PLEADINGS**

Wine & Spirits Wholesalers of Massachusetts, Inc. (hereinafter “Wholesalers”) hereby moves for leave to oppose the Plaintiffs’ Motion for Judgment on the Pleadings. Concurrent with this motion, the Wholesalers have filed a Motion to Intervene as a Party Defendant and supporting memorandum of law. If the Court grants the Wholesalers’ Motion to Intervene, the Wholesalers request that this Court grant it leave to oppose the Plaintiffs’ Motion for Judgment on the Pleadings that is now pending before the Court.

On May 12, 2005, the Plaintiffs filed this action, seeking declaratory and injunctive relief that would allow the Plaintiff winery, Stonington Vineyards, to sell to the Plaintiff consumers, Wolman and Pappas. On June 22, 2005, the Defendant answered. On August 2, 2005, the Plaintiffs filed an assented to Motion to Amend their Complaint. On August 5, 2005, the Plaintiffs filed a Motion for Judgment on the Pleadings. No opposition to this motion has been filed yet. Accordingly, the Wholesalers seek leave to file an opposition to the Plaintiffs' motion.

A brief explanation for the Wholesalers' reasons to oppose the Plaintiffs' motion can be found in its memorandum in support of its Motion to Intervene.

WHEREFORE, Wine & Spirits Wholesalers of Massachusetts, Inc. respectfully requests that this Honorable Court grant it leave to oppose the Plaintiffs' Motion for Judgment on the Pleadings to be set at fourteen (14) days after the Court's ruling on the Wholesalers' Motion to Intervene.

Respectfully Submitted,
WINE & SPIRITS WHOLESALERS of
MASSACHUSETTS, INC.,
By its attorneys,

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